

**CHAPTER 5 YOUTH EMPLOYMENT: OUT-OF-SCHOOL  
YEAR-ROUND EMPLOYMENT PROGRAM**

**500 GENERAL PROVISIONS**

- 500.1** The District of Columbia Out-of-School Year-Round Employment Program is authorized by §2(a)(3) of the Youth Employment Act of 1979.
- 500.2** The purpose of the program is to expand employment opportunities for out-of school youth through the direct subsidization of wages. In addition, participating youth shall be provided with basic and remedial education or related skill training to improve their productivity as workers and enhance their future economic self sufficiency through meaningful career and work opportunities.
- 500.3** The subsidization of wages is intended as an economic incentive for employers to do the following:
- (a) To encourage the employment of District youth who have difficulty competing for jobs;
  - (b) To provide District youth with good work place training and supervision; and
  - (c) To employ District youth as part of their unsubsidized work force once they become productive workers or upon the completion of the full year program.

**501 ELIGIBILITY**

- 501.1** In order to participate in this year-round employment program a person shall meet all of the following basic eligibility requirements:
- (a) Be a resident of the District of Columbia;
  - (b) Be age sixteen (16) through twenty-four (24) years of age;  
or
  - (c) Have completed at least twelve (12) years of education (or its equivalent), or have been separated from a formal educational system for a period of not less than thirty (30) days and have been employed for that same period.

**501 ELIGIBILITY (Continued)**

- 501.2 Notwithstanding §501.1(c), persons enrolled in federally-funded employment and training programs administered by the Department may be subsequently enrolled in the Out-of-School Year Round Program without an intervening period of unemployment; Provided, that the persons meet all other eligibility requirements of the program.
- 501.3 Priority for participation shall be given to eligible District youth who are economically disadvantaged.
- 501.4 The Director may require that eligible participants agree to attend a pre-employment orientation and enrichment program before being considered for referral to a youth employment opportunity.

**502 PARTICIPANT RECRUITMENT, ASSESSMENT AND REFERRAL**

- 502.1 The Director shall utilize the District's free Public Job Service for the recruitment of out-of-school youth.
- 502.2 The Job Service, in seeking eligible participants, shall utilize its current applicant files and conduct outreach through its Job Service Centers as well as through a network of community based organizations, and, if necessary, through the media.
- 502.3 The Job Service shall assess persons interested in youth employment opportunities against program eligibility requirements and requirements for subsidized employment opportunities.
- 502.4 The Job Service shall be responsible for referring all potential participants to participating employers, and for assuring the employers that all referrals meet basic program eligibility requirements.
- 502.5 Participating employers shall be responsible for the employment of all participants.

**503 JOBS ELIGIBLE FOR INCENTIVES**

- 503.1 Jobs to be approved for incentives shall do the following:
- (a) Provide a prevailing entrance wage for the job being performed, but shall not be subsidized at a rate which exceeds the minimum wage rate specified in §6(a)(1) of the Fair Labor Standards Act; and
  - (b) Provide for the development of job skills which lead to future economic self sufficiency.



**503      JOBS ELIGIBLE FOR INCENTIVES      (Continued)**

- 503.2      Employment opportunities under the program may be with the Government of the District of Columbia or in the private sector on a fully funded, partially, or matchfunded basis through grants to or contracts with non-profit or profitmaking organizations, associations, institutions or businesses.
- 503.3      Participant wage rates shall be in conformity with all federal and local laws, and in no event shall the wage rate be less than the higher of the following:
- (a) The minimum wage rate specified in §6(a)(1) of the Fair Labor Standards Act: and
  - (b) The minimum wage rates prescribed by applicable state or District laws and regulations.
- 503.4      In order to ensure meaningful jobs, the Director shall approve only jobs which in the Director's judgement will provide marketable job skills and enhance the goals of the Out-of-School Year-Round Employment Program.
- 503.5      The Director may coordinate with various business and community organizations to solicit employer participation in identifying eligible jobs with youth employment opportunities. Emphasis shall be placed on utilizing organizations with strong associations with minority businesses.
- 503.6      The Director may enter into formal arrangements or agreements with an organization to aid in the search for suitable employment opportunities.
- 503.7      Employers shall be reimbursed at the agreed-upon subsidized wage level and fringe benefits exclusive of overtime, premium pay or other labor costs for a period of fifty-two (52) weeks of subsidized employment.
- 503.8      Employers shall provide for any periodic or other wage increases above the subsidization level from their own funds unless specific authorization is obtained in writing from the Director.
- 503.9      The Director may approve jobs individually or as a block of jobs, if the multiple jobs are associated with a distinct project, and if in his or her judgement adequate funds are available for supplies and materials to complete the project.
- 503.10     Participating employers under the Act shall comply with the following laws:
- (a) The Human Rights Law of the District of Columbia;
  - (b) Titles VI and VII of the Civil Rights Act of 1964;

**503 JOBS ELIGIBLE FOR INCENTIVES (Continued)**

**503.10 (Continued)**

- (c) The Equal Pay Act;
- (d) The Rehabilitation Act;
- (e) Title IX of the Education Amendments of 1972; and
- (f) Any other applicable non-discrimination laws.

**504 TRAINING OR PARTICIPANTS**

- 504.1 Participating employers are expected to provide participants with the same type of training on-the-job and supervision as that provided to other similar employees.
- 504.2 The Director shall, to the extent resources permit, provide funds for job related classroom training conducted at the place of work; Provided, that training is not routinely offered to other employees.
- 504.3 The Director may also arrange and fund classroom training activity away from the work place. This classroom training may include basic and remedial education, job related skill training, world of work and career planning, or other training judged by the Director to meet the goals of the program.
- 504.4 Paid participant training to the degree feasible shall be based on the specific employability and developmental needs of the individual participant.
- 504.5 The Director may require that participating employers provide participants with ten (10) hours a week of paid release time for approved training activities away from the work place.
- 504.6 The Director may also provide participants with supportive services, such as, but not limited to, transportation, counseling, and orientation.

**505 AGREEMENTS WITH PARTICIPATING EMPLOYERS**

- 505.1 Participating employers shall enter into a formal agreement with the Director in order to participate in the program.
- 505.2 The agreement shall contain the employer's assurance that only eligible individuals referred by the D.C. Government's Public Job Service shall be employed in jobs approved by the Director.



**505      AGREEMENTS WITH PARTICIPATING EMPLOYERS      (Continued)**

**505.3**    The agreement shall certify the employer's intention to do the following:

- (a) Provide a brief outline of the training that the participants will acquire through work and classroom training away from the work place;
- (b) State the method of computing and maximum amount of reimbursement;
- (c) State the number of participants to be employed;
- (d) Provide a job description and specification of participants' wage rates and the amount of wages subsidized and matched, if applicable;
- (e) Comply with a requirement that employers are to maintain payroll records, time and attendance records, and job duties statements related to each participant; and
- (f) Provide assurance that the employer shall comply with the Act, and rules or regulations issued under the Act, and other terms and conditions normally associated with employment and training agreements.

**505.4**    The Director shall exercise his or her authority with respect to contracts and grant agreements in accordance with the delegation contained in Commissioner's Order No. 74-144.

**506      TRANSFER, TRANSITION AND PLACEMENT AND PARTICIPANTS**

**506.1**    The Director may approve the transfer or re-employment of a participant; Provided, that the participant has demonstrated a good faith effort to perform all the normally required duties of an employee and that the total time of the participant's employment does not exceed fifty-two (52) weeks.

**506.2**    The Director shall encourage participating employers to transfer participants to full unsubsidized employment at any time during the wage subsidized period.

**506.3**    Employers may terminate or suspend participants for good cause, but shall consult with the Director prior to formal and final termination.

**506.4**    In the event of a transition or termination, any unused wage subsidy funds shall automatically revert to the Director if not claimed on a certified invoice within forty-five (45) days of transition or termination so that the Director may reallocate the unused funds for additional youth employment opportunities or other use under the Out-of-School Year Round Program.

**506      TRANSFER, TRANSITION AND PLACEMENT AND PARTICIPANTS      (Continued)**

506.5      The Director shall give first priority in funding new fifty-two (52) week employment opportunities to those employers who have transferred participants to regular unsubsidized employment.

506.6      Participating employers shall provide job placement assistance to participants whom they are unable to employ in fully unsubsidized jobs. This assistance may take the form of personal referrals within the network of the employer's associates and friends, letters of recommendation, job search suggestions, and other means.

**507      MONITORING**

507.1      In carrying out the responsibilities under the Out-of-School Year-Round Program, the Director shall provide for a monitoring and technical assistance program, utilizing departmental staff, as well as the staff of any contractual agents.

507.2      Monitoring shall include the periodic visitation and review of various employment sites provided by participating employers.

507.3      The primary objective of the monitoring program shall be to assist employers in preventing turnover and attrition of participants. In addition, the monitoring program will assure smooth program operation and conformity with the terms, conditions, and provisions of formal agreements.

**508      REPORTING**

508.1      The Director shall establish reporting systems, which shall include the following:

- (a) The data on the criteria for determining the eligibility of youth;
- (b) The method used in selection of participants;
- (c) The job skills acquired; and
- (d) The placement objectives achieved for assessment of participants.

508.2      Employers shall be required to cooperate in the reporting activity of §508.1.



## **509 COMPLAINT PROCEDURE**

- 509.1** Complaints may be brought by an individual or organization including, but not limited to, program participants, employers, contractors, staff of the employer, applicants for participation, labor unions, and community based organizations.
- 509.2** With the exception of complaints alleging fraud, forgery, or other criminal activity, the filing of a complaint shall be made within ten (10) days of the alleged occurrence.
- 509.3** Participants shall be provided, upon enrollment into the Out-of-School Year-Round Employment Program, a written description of the complaint procedures, including notification of their right to file a complaint and instructions on how to file.
- 509.4** All complaints shall be in writing.
- 509.5** The complaint resolution procedure shall include provision for the following:
- (a) Opportunity for informal resolution of the complaint;
  - (b) Opportunity for informal resolution of the complaint;
  - (c) Written notification of an opportunity for a hearing when an informal resolution has not been accomplished. This notice shall state the procedures for requesting a hearing and shall describe the elements in the hearing procedures, including those set forth in paragraph (f) of this subsection;
  - (d) Opportunity to amend the complaint prior to a hearing;
  - (e) Opportunity for a hearing within twenty (20) days of filing the complaint; and
  - (f) A final written decision concerning the complaint which shall be made within thirty (30) days of the filing of the complaint and shall include the following:
    - (1) The reason(s) for the decision; and
    - (2) A statement that the procedures delineated in this section have been followed.
- 509.6** A hearing, when requested, shall be provided within twenty (20) days after filing a complaint. The hearing procedures shall include the following:
- (a) Written notice of the hearing, a description of the manner in which it will be conducted, and the issue to be decided;

**509 COMPLAINT PROCEDURE (Continued)**

**509.6 (Continued)**

- (b) Opportunity to withdraw the request for hearing in writing before the hearing;
- (c) Opportunity to request rescheduling for good cause;
- (d) Opportunity to be accompanied by a representative;
- (e) Opportunity to bring witnesses and documentary evidence;
- (f) Opportunity to have relevant documents produced by the Out-of-School Year-Round Employment Program or its components;
- (g) Opportunity to question witnesses;
- (h) The right to an impartial hearing officer selected by the Director; and
- (i) A written decision from the hearing officer, which shall include a summary of facts, the reason(s) for the decision, and a statement of remedies to be applied.

**509.7** Appeals from decisions of the Hearing Officer may be filed with the Director.

**509.8** Whenever the Director receives a request for an investigation or a complaint, it shall be investigated if it alleges that any person, participant, employer or contractor is failing to comply with the requirements of the Act, a derivative agreement, these regulations, or appropriate local or federal laws and regulations.

**509.9** The investigation shall be completed and conclusion effected within twenty (20) days after filing, or within the additional time, not to exceed twenty (20) days, as the Director may allow.

**509.10** No extension shall relieve the Hearing or Investigation Officer from making his or her final determination within thirty (30) days after the filing of a complaint or request for investigation.

**509.11** If the Director, Hearing, or Investigation Officer determines that a complaint, an investigation or testimony involves criminal activity which may violate the laws of the District of Columbia, the United States, or other jurisdiction, this shall be communicated directly to the appropriate law enforcement agency.

**509.12** Nothing in this section shall prohibit the Director from requiring that a system of grievance processing and just adjudication of complaints be implemented by employers for the use of participating youth.



**509 COMPLAINT PROCEDURE (Continued)**

- 509.13 Nothing in this section shall prohibit a participating youth from filing a complaint or request for investigations and hearings. Complaints shall be maintained in the Office of the Director.
- 509.14 Records of all investigations, hearings, complaints, and requests for investigation shall be maintained in the Office of the Director.

**599 DEFINITIONS**

- 599.1 When used in this chapter, the following terms shall have the meanings ascribed:

**Act** - the authorizing legislation for the Youth Employment Act of 1979, (D.C. Law 3-46).

**Director** - the Director of the Department of Employment Services, or the Director's designee, contracting officer, representative or contractual agents.

**Economically Disadvantaged** - a person who is one of the following:

- (a) A member of a family which receives public assistance;
- (b) A member of a family whose income during the previous six (6) months on an annualized basis was such that:
  - (1) The family would have qualified for public assistance if it had applied for assistance; or
  - (2) It does not exceed the poverty level; or
  - (3) It does not exceed seventy percent (70%) of the lower living standard income level.
- (c) A foster child on whose behalf Federal Government payments are made; or
- (d) A person whose status presents significant barriers to employment, such as the following:
  - (1) A client of a sheltered workshop;
  - (2) A handicapped individual; or
  - (3) A person residing in an institution or facility providing twenty-four (24) hour support such as a prison, a hospital or community care facility or similar institution.

**599 DEFINITIONS (Continued).**

**599.1 (Continued)**

**Entry Level** - the lowest position in any promotional line, as defined locally by personnel regulations, past practices, and collective bargaining agreements.

**Family** - one (1) or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or step-parent shall be considered to be related by marriage.

**Handicapped Individual** - any person who has a physical or mental disability which constitutes a substantial barrier to employment and who can benefit from services under this program.

**Participant** - an individual who is:

- (a) Declared eligible upon intake; and
- (b) Receiving employment and training funded under the Act following enrollment.

**Participating Employers** - both profitmaking and non-profitmaking persons, associations, partnerships, and corporations, as well as the District Government and other public agencies which enter into formal agreements with the Director for participation in the Out-of-School, Year-Round Employment Program (OSYREP).

**Public Assistance** - Federal or District government cash payment for which eligibility is determined by a need or income test.

**Resident** - a person who has a permanent dwelling or home in the District of Columbia. A District resident shall also include those persons who are permanent resident aliens, or aliens who have been permitted to accept permanent employment in the United States by the U.S. Immigration and Naturalization Service.

**Unsubsidized Employment** - employment secured for or by a participant which is not subsidized by funds from the Act.